HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A. No. 1245 of 2005

Appellant		Firanta Dhruv, S/o Chatram Dhruv, aged about 35 years, R/o Hirri Mines, Tehsil and District- Bilaspur
	Versus	
Respondents	1.	Smt. Kamla Singh, aged about 45 years, W/o Manohar Singh, R/o Tilak Nagar, Near Main Post Office, Tehsil and District- Bilaspur (C.G.).
	2.	The New India Insurance Company Ltd. Rajendra Nagar Chowk, Bilaspur, District- Bilaspur (C.G.)

DB: Hon'ble Shri Justice S. R. Nayak, C.J.
& Hon'ble Shri Justice Satish K. Agnihotri, J.

Mr. Saurabh Jayaswal, Advocate with Shri Gautam Khetrapal, Advocate, for the appellant.

Mr. Sri Kumar Agarwal, Advocate for the Respondent No.2.

ORAL ORDER

(20th December 2005)

The following order of the Court was passed by **S. R. Nayak, C.J.**

1. In this appeal preferred by the injured, seeking more compensation, what was urged by learned counsel is that though in the accident the appellant has sustained 70% of the permanent disability in hearing capacity, the M.A.C.T. has not awarded any compensation towards that disability.

2. We have perused the evidence of P.W.2 doctor and also the certificate issued by the Medical Board. From the deposition of P.W.2, it cannot be said that the appellant has sustained 70% of disability in hearing capacity, but, as per the certificate issued by the Medical Board, the appellant has sustained 70% of the permanent disability in hearing capacity. In that view of the matter, taking totality of the circumstances, we think it just and

reasonable to award Rs. 25,000/- as compensation towards 'loss of permanent disability'.

3. The appeal is allowed to the above extent. The impugned award shall stand modified in the above term and in all other respects, the impugned award shall remain unaltered.

4. In the facts and circumstances of the case, both the parties are directed to bear their respective costs in this appeal.

Sd/-
Chief Justice

Sd/-
Satish K. Agnihotri
Judge

Thakur